IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 26428 of 2005(U)

PETITIONER:

T.K. RUGMINI AMMA, AGED 66 YEARS,
W/O. LATE RAMA PODUVAL, NEAR S.S.TEMPLE,
GRAMAM WEST, PAYYANNUR, KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN,
SRI.M.B.PRAJITH.

RESPONDENTS:
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1. **UNION OF INDIA,**
   REPRESENTED BY UNDER SECRETARY TO GOVERNMENT,
   MINISTRY OF HOME AFFAIRS, FREEDOM FIGHTERS CELL,
   LOK NAYAK BHAVAN, NEW DELHI.

2. **STATE OF KERALA,**
   REPRESENTED BY SECRETARY TO GOVERNMENT,
   DEPARTMENT OF GENERAL ADMINISTRATION,
   THIRUVANANTHAPURAM.

BY ADV. SRI.SUBAL J.PAUL, CGC, FOR R1,
GOVT. PLEADER SRI. V.T.K. MOHANAN FOR R2.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO. 26428/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE RELEVANT EXTRACT OF THE JUDGEMENT DTD. 25/09/1947 IN S.C. NO. 14/1947 OF THE COURTS OF SESSIONS NORTH MALABAR.

EXT.P.2: COPY OF THE RELEVANT EXTRACT OF THE UNDER TRIAL REGISTER CONCERNING THE PETITIONER'S LATE HUSBAND.

EXT.P.3: COPY OF THE RELEVANT EXTRACT FROM THE CONVICT REGISTER CONCERNING THE PETITIONER'S LATE HUSBAND.

EXT.P.4: COPY OF THE SCHEME.

EXT.P.5: COPY OF THE ORDER DTD. 16/07/1973 OF THE DISTRICT COLLECTOR SANCTIONING PENSION TO THE PETITIONER'S LATE HUSBAND.

EXT.P.6: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONE BEFORE THE CENTRAL GOVERNMENT IN APRIL 1998.

EXT.P.7: COPY OF THE COMMUNICATION DTD. 22/07/1998 ISSUED BY THE R.1. TO THE PETITIONER.

EXT.P.8: COPY OF THE COMMUNICATION FROM THE DISTRICT COLLECTOR, KANNUR TO THE GOVERNMENT OF KERALA DTD. 24/05/1999.

EXT.P.9: COPY OF THE RECOMMENDATION OF THE STATE GOVERNMENT DTD. 13/09/1999.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

T.R.RAMACHANDRAN NAIR, J.

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WP(C).No. 26428 of 2005-U.

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Dated this the 13th day of August, 2007.

J U D G M E N T

The petitioner is the wife of a prominent freedom fighter Sri.U.Rama Poduval. The petitioner's late husband had participated in movement connected with freedom struggle against British and one among them is the famous Karivellur struggle. He was arrested by the British police on 2.1.1947 and was imprisoned in Central Jail, Kannur. Initially he was detained as under trial prisoner from 2.1.1947 to 25.9.1947 and was convicted by the Sessions Court, North Malabar in S.C.No.14/1947 and on 25.9.1947 he was imprisoned as a convict. Ext.P1 is the extract of the judgment in the above sessions case which will show that the late husband of the petitioner was the 15th accused. Ext.P2 is the copy of the Convict Register which will support the above facts further.

2. The late husband of the petitioner was a grantee of the State Freedom Fighters Pension as evidenced by Ext.P5 order passed by the District Collector. Ext.P6 is the application submitted by the petitioner for

benefit under the SSS pension scheme after his death. All the details have been stated therein. Along with Ext.P6, co-prisoners' certificates have also been produced. Ext.P7 shows that the Government of India as per letter dated 22.7.1998 informed the petitioner that they are awaiting the report from the State Government for taking further action in the matter.

3. Ext.P8 is the copy of the communication issued by the District Collector, Kannur dated 24.5.1999 addressed to the Commissioner and Secretary to Government, General Administration (FFP) Department, Thiruvananthapuram with a copy to the petitioner. The same is the report of the District Collector recommending pension to the applicant after finding that the late husband of the petitioner is a genuine freedom fighter. Ext.P9 is a letter dated 13.9.1999 forwarding the application and the verification cum entitlement report by the State Government to the Central Government recommending the application. Since no further action was being taken on Ext.P6 the petitioner has approached this Court for appropriate reliefs.

4. The learned counsel for the Central Government points out that the application along with due recommendation by the State Government has not been received by the Central Government. As per Ext.R1 letter No.52/CC/KER/118/2005-FF (SZ) dated, November, 2005 the Central

Government had again after referring to the above writ petition requested the State Government to forward the application along with the specific recommendation and entitlement to pension. It is assured that action will be taken by the 1st respondent in the matter on receipt of records and documents from the 2nd respondent. It is therefore incumbent on the State Government to take prompt action in the matter, as long delay has already been caused resulting in hardship to the petitioner.

5. Since the Central Government has not so far received the application along with the recommendation of the State Government, the 2nd respondent is hereby directed to forward further report in the matter enclosing Exts.P8 and P9 or any other relevant materials within a period of one month from the date of receipt of a copy of this judgment for enabling the first respondent to process the same and pass appropriate orders. The petitioner has produced before this Court Exts.P1 judgment, Ext.P2 extract of the Convict Register as well as Exts.P8 and P9 which shows that the late husband of the petitioner is a genuine freedom fighter. Therefore, the first respondent will take a decision based on the above evidence as well as the recommendation of the State Government and sanction the same in accordance with the scheme. The first respondent is directed to pass

appropriate orders within a period of two months from the date of receipt of the reports and the recommendation from the State Government. The claim for arrears from the date of receipt of the application will also be considered while passing the order.

The writ petition is disposed of as above.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-